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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,986

06/27/2005

Fabio Perini

71664

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23872

7590

09/26/2006

MCGLEW & TUTTLE, PC

P.O. BOX 9227

SCARBOROUGH STATION

SCARBOROUGH, NY 10510-9227

EXAMINER

TRUONG, THANH K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

127

Office Action Summary

Application No.

10/523,986

Applicant(s)

PERINI, FABIO

Examiner

Thanh K. Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2-9-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s):

means comprise a nozzle oriented towards the upper surface of the penultimate strip or ribbon-shaped material (as recited in claim 4); and

means comprise a nozzle oriented towards the lower surface of the last strip or ribbon-shaped material.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 6 is objected to because of the following informalities: the method claim 6 contains no method steps that are positively recited the method steps require in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "feeding more paper" in claim 1, line 2 is vague and indefinite, because it is unclear what is the claimed limitation the word "more" required.

Regarding claim 1, the phrase "paper-like strips" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

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"paper like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 4, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bäckström et al. (4,338,147).

Bäckström et al. discloses an apparatus and a method comprising:

means for feeding strip (2) to form an overlapping and staggered spirals onto a spindle (figure 1), means for cutting the tube, obtained by the advancement and winding of the strips on the spindle, to obtain tubular elements having a predetermined length (column 3, lines 29-33); and means (7) for distributing glue between the surfaces of the penultimate and the last strips material wound on the spindle (as in claims 1 and 6).

Bäckström et al. further discloses:

Regarding claims 3 & 8, the glue distributing means comprise a hot melt glue distributor (column 2, lines 51).

Regarding claims 4 & 9, the glue distributing means comprise a nozzle (7) oriented towards the upper surface of the penultimate strip material.

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8. Claims 1, 3-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekar (5,195,242).

Sekar discloses an apparatus and a method comprising:

means for feeding strip or ribbon-shaped material (24, 26, 28, 30) to form an overlapping and staggered spirals onto a spindle (14), means (20) for cutting the tube, obtained by the advancement and winding of the strips on the spindle, to obtain tubular elements having a predetermined length (figure 1); and means (36, 38, 40) for distributing glue between the surfaces of the penultimate and the last strips or ribbon-shaped material wound on the spindle (as in claims 1 and 6).

Sekar further discloses:

Regarding claims 3 & 8, the glue distributing means comprise a hot melt glue distributor.

Regarding claims 4 & 9, the glue distributing means comprise a nozzle (40) oriented towards the upper surface of the penultimate strip or ribbon-shaped material.

Regarding claim 5 & 10, the glue distributing means comprise a nozzle (36, 38) oriented towards the lower surface of the strip or ribbon-shaped material.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekar (5,195,242).

As discussed above in paragraph 8 of this office action, Sekar discloses the claimed invention, but does not expressly disclose: means for sensing the advancing speed of the strips material wound on the spindle, and the glue distributed only when the advancing and winding speed of the strips material is higher than a predetermined value.

Regarding claim 2, the examiner takes Official Notice that it is old and well known in the art to employ sensor in an apparatus for monitoring condition such as the speed of the spindle. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Sekar apparatus by incorporating the sensor to monitor the speed of the spindle providing an effective means to control the winding mechanism.

Regarding claim 7, since it is well known and within the general skill of a worker in the art to select a known design configuration on the basis of its suitability for the intended use as matter of obvious design choice. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Sekar method by incorporating the step of distributing the glue only when the advancing and winding speed of the strips material is higher than a predetermined value to provide a more uniform distribution of glue on the surface of the strips material.

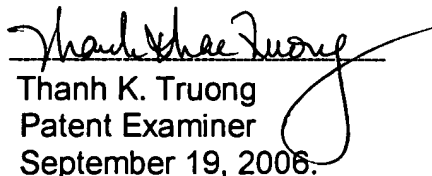
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thanh K. Truong
Patent Examiner
September 19, 2006.